

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

January 30, 2019

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of the Plaintiffs' Executive Committees ("PECs"), with consent from defendant Dallah Avco, to jointly request that the fact discovery deadline as to Dallah Avco be modified to coincide with the jurisdictional discovery deadline set for the Kingdom of Saudi Arabia.

Your Honor will recall that Dallah Avco asked for the Court's authorization to tether its fact discovery deadline to the jurisdictional discovery deadline for the Kingdom on October 24, 2018. *See* ECF No. 4216 at n. 2 ("Dallah Avco's position is that, given the close relationship between the claims against Dallah Avco and the claims against the Kingdom of Saudi Arabia, Dallah Avco's fact discovery deadline should be the same as whatever fact discovery deadline applies to discovery concerning the Kingdom."). This Court granted Dallah Avco's request and set a January 31, 2019 control deadline. *See* October 26, 2018 Order at ECF No. 4230.

The PECs have completed depositions of several Dallah Avco witnesses, including that of a 30(b)(6) witness last week in Madrid who addressed various issues relating to Omar al Bayoumi's "secondment" based on a review of Dallah Avco's business records and information available to certain current and former employees. However, the PECs also intend to depose certain representatives of the Saudi government concerning the "secondment," and Omar al Bayoumi himself, in the context of the jurisdictional discovery proceedings as to Saudi Arabia. Those depositions are relevant to the claims and defenses in the proceedings as to Dallah Avco, and Dallah Avco intends to participate in those depositions.

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In light of the ongoing jurisdictional discovery with the Kingdom, the PECs conferred with counsel for Dallah Avco and the parties are in agreement that the deadline for fact discovery as to Dallah Avco should mirror the deadline for jurisdictional fact discovery as to Saudi Arabia, as Dallah Avco previously proposed. Accordingly, the PECs and Dallah Avco jointly request that Dallah Avco's fact discovery deadline be set to coincide with the jurisdictional fact discovery deadline for the Kingdom of Saudi Arabia.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Sean P. Carter", with a long horizontal flourish extending to the right.

By: Sean P. Carter

SPC/:bdw

cc: The Honorable George B. Daniels (via ECF)
All MDL Counsel of Record (via ECF)

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